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Case 6887

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Britta DAUME :

Serial No.: 09/491,841 :

Filed: August 23, 1999 :

For: A DEVICE FOR CONTACTING IN :
PARTICULAR ELONGATED :
ILLUSTRATIVELY SUBSTANTIALLY :
CYLINDRICAL BODIES SUCH AS :
CABLES OR PIPES/TUBES :

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BRIEF ON APPEAL

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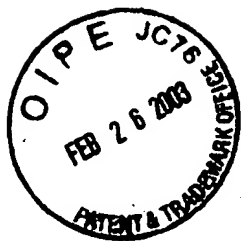
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BRIEF ON APPEAL

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

I. INTRODUCTION

A Notice of Appeal was filed on July 26, 2002 appealing the examiner's final rejection of claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 in the manner as set forth in the Official Action mailed July 2, 2002.

A check in the amount of \$885.00 is attached in payment of the \$160.00 government fee required for filing of this Brief in support of the appeal and the \$725.00 government fee required for the four(4)

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month extension of time extending the due date for filing of this Brief from October 26, 2002 to February 26, 2003. Small entity status has been previously established by filing of an appropriate declaration. Should this amount be insufficient, then please charge the deficiency to Deposit Account No. 19-2105 and notify the undersigned.

Appellant submits the examiner has erred in her final rejection of claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 for the reasons set forth below. It is requested the rejection be reversed and the application be forwarded for issuance without further delay.

II. STATEMENT REGARDING REAL PARTY IN INTEREST

The real party in interest is the assignee of record; namely, Karin Daume Maschinenteile, GmbH & Co. KG of Burgwedel, Germany.

III. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which directly affect or are directly affected by or have a bearing on the Board's decision in the present appeal.

IV. STATUS OF THE CLAIMS

The application as filed on August 23, 1999 comprised claims 1-40.

In the first Official Action mailed July 28, 2000, a restriction

requirement was issued. Appellant filed an Election on August 18, 2000 electing Species 2, shown in figures 5 and 6 and identified claims 1, 3-5, 7, 8, 10, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 35-39.

In a second Official Action mailed December 4, 2000, claims 1, 3-5, 7, 8, 10, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 35-39 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 3, 4, 7, 8, 16-18, 22-25, 29 and 35-39 were also rejected under 35 U.S.C. 102(b) as anticipated over EP 0 744 788 A1 (Cauderay). Claims 5, 10, 11, 13, 14, 20 and 30 were rejected under 35 U.S.C. 103(a) as unpatentable over Cauderay in view of U.S. 2,423,627 (Tinnerman `627). Claim 26 was rejected under 35 U.S.C. 103(a) as unpatentable over Cauderay. Appellant responded to the second Official Action in an Amendment filed on June 4, 2001 which replaced claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22, 23-26, 29 and 30 with rewritten claims.

In a third Official Action mailed July 23, 2001 and made Final, claims 1, 3, 7, 8, 16-18, 22-25, 29 and 39 were again rejected under 35 U.S.C. 102(b) as anticipated over Cauderay. Claims 11, 13, 14, 20 and 30 were again rejected under 35 U.S.C. 103(a) as unpatentable over Cauderay in view of Tinnerman `627. Claim 26 was again rejected under 35 U.S.C. 103(a) as unpatentable over Cauderay. In addition, the disclosure was objected to for informalities, the abstract was objected to for reasons of format, claims 8, 20, 20-24 and 39 were objected to for informalities and claims 8 and 26 were rejected under 35 U.S.C. 112, second paragraph as being indefinite.

In response to the third Official Action mailed July 23, 2001, applicant filed a Rule 116 Amendment After Final together with a Notice of Appeal. In the Amendment After Final a substitute specification and new abstract were submitted, claims 2, 6, 9, 12, 15, 19, 21, 27, 28, 31-34 and 40 were cancelled and claims 1, 8, 13, 20, 22, 23, 24, 26 and 39 were rewritten.

In an Advisory Action mailed December 7, 2001, the proposed substitute specification was found acceptable and would be entered upon filing of a Brief. The amendments to the claims were not entered as they were deemed to raise new issues.

Appellant thereafter filed on January 23, 2002 a Continued Prosecution Application(CPA) together with a preliminary amendment requesting entry of the earlier submitted substitute specification and new abstract, cancelling claims 2, 6, 9, 12, 15, 19, 21, 27, 28, 31-34 and 40 and rewriting claims 1, 8, 13, 20, 22, 23, 24, 26 and 39.

In a fourth Official Action mailed February 13, 2002, the substitute specification and new abstract were entered, claims 8 and 39 were again rejected under 35 U.S.C. 112, second paragraph as being indefinite, claims 1, 3, 7, 8, 16-18, 22-25, 29 and 39 were again rejected under 35 U.S.C. 102(b) as anticipated over Cauderay, claims 11, 13, 14, 20 and 30 were again rejected under 35 U.S.C. 103(a) as unpatentable over Cauderay in view of Tinnerman '627 and claim 26 was again rejected under 35 U.S.C. 103(a) as unpatentable over Cauderay.

In an Amendment filed on May 13, 2002, appellant amended the substitute specification and replaced claims 1, 8, 13 and 39 with newly rewritten claims.

In a fifth Official Action mailed July 2, 2002 and made final, claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 were rejected under 35 U.S.C. 103(a) as anticipated over Cauderay et al. in view of Tinnerman `627.

On August 26, 2002, applicant filed a Notice of Appeal appealing the final rejection of claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 under 35 U.S.C. 103(a) as being unpatentable over Cauderay et al. in view of Tinnerman `627.

A summary of the status of the claims being appealed is as follows:

- (a) Claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cauderay et al. (EP 0 744 788 A1) in view of Tinnerman `627 (U.S. 2,423,627).

V. STATUS OF AMENDMENTS

No amendments have been filed subsequent to issuance of the final Official Action mailed July 2, 2002.

VI. SUMMARY OF THE INVENTION

The invention is a device for providing electrical contact between a high frequency(HF) coaxial cable and an electric grounding cable (20). Coaxial cables are used in the telecommunications industry for data transmission and often require connection to an electrical ground for purposes of safety. As is apparent, it is important the grounding clamp not affect the transmission properties

of the coaxial cable. Applicant has developed a coaxial cable grounding clamp having an electrical contact protrusion that is integral with the metal contact element of the clamp and is sufficiently resilient so that it will abut against a conductor of a coaxial cable in an elastic manner. See page 4, lines 26-28, page 5, lines 1-7 and page 14, lines 1-11. The resilient nature of the contact protrusion negates deformation and compression of the outer conductor which would otherwise affect the transmission properties of the coaxial cable.

In the invention recited in independent claim 1, the device comprises a base structure(4) adapted to be tensioned around a coaxial cable, the base structure is provided with interior and exterior surfaces. Sealing lips(30 and 32) extend from the interior surface of the base structure to provide a seal between the base structure and a coaxial cable when the base structure is tensioned around a coaxial cable. A band shaped, electrically conducting contact element(10) is attached to the base structure. The band shaped, electrically conducting contact element includes at least one resilient, electrically conducting contact protrusion (40) formed integrally therewith and biased to extend beyond the sealing lips so that when the base structure is tensioned around a coaxial cable, the contact protrusion will rest against and provide electrical contact to a bare segment (6) of a coaxial cable.

In the invention recited in independent claim 13, a device as set forth above is provided and the at least one resilient, electrically conducting contact protrusion (40) is a blade (52, 54 and 56 of

figures 5 and 6; page 7, lines 13-19 and page 20, lines 17-28) projecting away from the interior surface of the base structure.

In the invention recited in dependent claim 11, the contact protrusion (40) is an embossing (page 6, lines 7-15 and figures 3 and 4) within the contact element (10).

VII. ISSUES ON APPEAL

Appellant's appeal of the final rejection of claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 as set forth in the Official Office Action of July 2, 2002 raises the following issue:

- (a) Whether the examiner erred in rejecting claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 under 35 U.S.C. 103(a) as unpatentable over Cauderay et al. (EP 0 744 788 A1) in view of Tinnerman '627 (U.S. 2,423,627).

VIII. GROUPING OF CLAIMS

The groupings of the claims are as follows. Claims 1, 3, 7, 8, 16, 17, 18, 20, 22, 23, 24, 25, 26, 29 and 39 stand or fall together. Claims 13, 14, and 30 stand or fall together. Claim 11 stands or falls alone.

IX. ARGUMENT

Applicable Law

The rejection is based upon 35 U.S.C. § 103(a).

The Legal Standard of Obviousness

To establish a *prima facie* case of obviousness, the examiner must satisfy three basic requirements. First, the *prior art* relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) [emphasis added].

Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991).

Lastly, the prior art reference or combination of references must teach or suggest all the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). The teachings or suggestions must come from the prior art and not applicant's disclosure. *In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

The Obviousness Rejection

All of claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 are rejected under an obviousness rejection as set forth in the final Official Action of July 2, 2002.

In the rejection, it is stated figures 6 and 7 of Cauderay et al. disclose a flexible/elastic base structure 10, sealing lips 11 and 12 and a band shaped, electrically conducting contact element 4

including a metal spacer element 9. It is conceded the contact protrusion 9 of Cauderay et al. is not integral with the contact element 4 as required by the claims. Tinnerman `627 is provided to show a contact element 10 comprising elastic integrally formed projections 15. It is reasoned that it would have been obvious to use the contact projections of Tinnerman `627 in place of the spacer element of Cauderay et al.

Appellant's Position

1. The high frequency coaxial cable clamp of Cauderay et al. and the puncturing clamp of Tinnerman `627 constitute nonanalogous art.
2. There is no motivation in the prior art for the modification.
3. The prior art teaches away from the combination.
4. Cauderay et al. and Tinnerman `627 fail to disclose all elements of the claims.

EXAMINER'S REJECTION UNDER 35 U.S.C. § 103

A. THE EXAMINER ERRED IN REJECTING CLAIMS 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 UNDER 35 U.S.C. § 103 OVER CAUDERAY ET AL. IN VIEW OF TINNERMAN `627.

1. Grouping of the claims

The groupings with respect to this rejection are as follows. Claims 1, 3, 7, 8, 16, 17, 18, 20, 22, 23, 24, 25, 26, 29 and 39 stand or fall together. Claims 13, 14, and 30 stand or fall together. Claim 11 stands or falls alone.

2. The Examiner's Position

All features of claims 1 and 13 are taught in Cauderay et al. except contact protrusion 9 is not integral with the contact element 4. Tinnerman `627 discloses a metal band 10 including a series of inwardly directed sharp points 18 adapted to bite through the hard enamel coating on a metal pipe to provide electrical contact to the underlying metal pipe. The sharp points 18 of Tinnerman `627 accomplish the same purpose as Cauderay et al. without requiring an additional part to be added to the device. Because one of average skill would have the knowledge to remove the sharp points 18 and other details of Tinnerman `627 depending upon the material to be electrically connected, it would have been obvious to remove the sharpened points from the Tinnerman `627 metal band and then substitute the metal band with the now removed sharp points in place of the non-integral contact of Cauderay et al. in order to achieve the same deformability with less parts.

1. Cauderay et al. and Tinnerman `627 Constitute Nonanalogous Art

Although one of ordinary skill in the art is presumed to be aware of all prior art in the field to which the invention pertains, he is not presumed to be aware of prior art outside that field and the field of the problem to be solved, i.e. nonanalogous art.

Analogous art, according to the CCPA and Federal Circuit cases, is all art that is either in the field of technology of the claimed invention or deals with the same problem solved by the claimed invention even though outside the field of technology of the

invention. Thus, the CCPA held in *In re Wood*, 202 USPQ 171 (CCPA 1971):

The determination that a reference is from nonanalogous art is therefore two fold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor is involved.

The apex of nonanalogous art law in defeating an erroneous USPTO rejection of *prima facie* obviousness is *In re Clay*, 23 USPQ2d 1058 (Fed. Cir. 1992). In that case, the court held the prior art process references to be nonanalogous to the claimed invention even though both were use in the petroleum industry and both involved handling petroleum products in volumetric enclosures. The claimed invention was a method for *storing refined* petroleum products in a *man-made* storage tank whereas the cited references were to a method for extracting crude oil from porous natural underground formations. These italicized features, the court said, show a different "field of endeavor" and different "purposes" which defeat the possibility of dealing with or solving a common problem.

Turning to the art applied in the rejection being appealed herein, a person of ordinary skill in the field of telecommunications would not look to a enamel pipe clamp because such clamps are in a different field of invention from that of coaxial cable clamps.

Second, a piercing-type clamp for a painted pipe is not reasonably pertinent to the "particular problem" to which the claimed invention pertains. That is, the particular problem associated with *high frequency data transmission cables* is not the same as the

particular problem associated with *painted metal pipes*. A high frequency coaxial cable conveys electronic data having a designated wavelength of transmission. This requires the coaxial cable be prepared for contact by removing a portion of the protective jacket 3 in order to expose the underlying metal tube 1 (See translation of Cauderay et al. at page 5, lines 11-12). The clamp in Tinnerman `627 is not concerned with maintaining a connection that will not interfere with wavelength transmission through the conduit. To the contrary, the Tinnerman `627 clamp is designed to puncture through the hard enamel coating of the metal pipe. A person of ordinary skill in the telecommunications art seeking to provide an electric ground to a coaxial cable would not turn to a clamp for piercing through enamel on a pipe since such clamps are neither in the telecommunications art nor do they address the problem inherent to grounding clamps for coaxial cables i.e. a desire to avoid deformation and compression of the conductor being grounded since deformation or compression of the conductor can affect the transmission properties of the cable.

The respective clamps derive from different fields of endeavor and each addresses a different problem. They are nonanalogous. Accordingly, one of ordinary skill would not combined these references to arrive at the claimed invention. The rejection is improper and must be withdrawn.

2. The Stated Motivation To Modify The Prior Art Does Not Derive From Some Objective Teaching In The Prior Art

The *prior art* coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference. *In re Fine* at 1598. See also *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). [The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggest the desirability of the combination].

It is asserted in the rejection that it would have been obvious to use the contact projections of Tinnerman `627 in place of the spacer element 9 of Cauderay et al. because the arrangement "achieves better electrical contact on an encircling member intended to contact a cylindrical member". A careful reading of Cauderay et al. and Tinnerman `627 show there is no intrinsic basis nor any extrinsic factors that would prompt one of ordinary skill in the art make this substitution.

The Cauderay et al. cable is a coaxial high frequency (HF) cable for conveying electronic data of a designated wavelength. The coaxial cable is prepared to be grounded by removing a portion of protective jacket 3 and expose the underlying tube 1 to the clamp. See translation of Cauderay et al. at page 5, lines 11-12. The braided metal spacer element 9 maintains position without the need to even secure it to other elements of the clamp. See translation of Cauderay et al. at page 4, lines 17-19. The Tinnerman `627 clamp

operates in an entirely different manner. The Tinnerman `627 clamp eliminates the need to have to remove a covering on the pipe, specifically, a hard enamel coating. See Tinnerman `627 at column 1, lines 8-9. This is achieved by providing sharp points 18 on the interior of the clamp that will pierce through the enamel coating when tightening of the clamp.

First, Cauderay et al. does not disclose or suggest a need for "better" electrical contact as stated in the rejection. Nothing in Cauderay et al. suggests a deficiency in the electrical contact achieved by the device.

Second, no reason is provided for why substitution of the Tinnerman `627 piercing points for the Cauderay et al. braided spacer 9 would result in better contact. If anything, the proposed modification would deteriorate electrical contact to the cable because the piercing points would provide less surface area of contact than a sheet of braided metal. *In re Gordon*, 221 USPQ 1145 (Fed. Cir. 1984) [reference is not properly combinable or modifiable in the intended function is destroyed].

Third, the Cauderay et al. clamp requires the sheath on the coaxial cable be removed before attachment of the clamp. This is the opposite of the Tinnerman `627 clamp which is specifically designed to eliminate the need to remove the enamel coating.

Fourth, replacing the braided and compressible spacer element of Cauderay et al. with the banded piercing points of Tinnerman `627 would damage the coaxial cable transmission line and interfere with the nature and frequency of electrical wave transmission through the

coaxial cable. It is stated that one of average skill would have the knowledge to adjust the point sharpness; however, nothing in Tinnerman `627 discloses or suggests adjustment of the point sharpness is available or even desired since, as noted above, doing so would render the Tinnerman `627 clamp inoperable for its intended purpose i.e. to pierce through a coating. Further, on what basis or scientific principle would one of ordinary skill rely to sufficiently dull the points for use on a sensitive electronic cable? Applicant respectfully asserts that a rote invocation regarding what one of ordinary skill would do ignores the fact that a high frequency coaxial cable and a painted pipe are not interchangeable devices.

Nothing in Cauderay et al. or Tinnerman `627 would prompt one of ordinary skill in the art to substitute the clamp of Tinnerman `627 for the braided metal spacer of Cauderay et al. nor are there any extrinsic factors suggesting the proposed modification would improve contact of the Cauderay et al. clamp against a high frequency cable. The rejection is improper and must be withdrawn.

3. The Prior Art Teaches Away From The Proposed Substitution

As stated above, a proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen, Inc. v. Chugai Pharm. Co.* at 1023. There is no expectation of success from the combination proposed.

Cauderay et al. discloses a metal band 4 carrying a spacer element 9 adapted to be deformable under compressive load. The spacer element need not be attached to the metal band. Spacer element 9 is the form of a sheet of braided metal. It is not a clamp.

It is stated in the rejection that Tinnerman `627 teaches another type of "deformable" element on a band and that the piercing projections accomplish the "same purpose" as the Cauderay et al. spacer without requiring an addition part. It is then concluded it would be obvious to substitute the metal band of Tinnerman `627 (with the removed sharp points) in place of the non-integral contact of Cauderay et al. in order to achieve the same deformability with less parts.

A careful reading of the prior art shows the piercing points of Tinnerman `627 cannot have the same deformability as the Cauderay et al. spacer element and any substitution as proposed in the rejection would not result in a clamp having less parts.

First, the piercing points of Tinnerman `627 are not deformable and would not achieve the same deformability as the braided spacer of Cauderay et al. The piercing points are necessarily rigid to enable them to penetrate a hard enamel coating on a pipe. The spacer element 9 of Cauderay et al. is constructed from a braided metal sheet material so that it is sufficiently deformable and may be pressed both against tube 1 and against metal band 4 and thereby provide an electrically conductive joint having little contact resistance between the tube and the clamp. See Cauderay et al.

translation at page 5, lines 14-16. If the piercing points of Tinnerman `627 had the "same deformability" as the braided spacer element of Cauderay et al., they would be unable to pierce an enamel coating. In a similar manner, the spacer element 9 and the piercing points cannot have the same purpose. The Tinnerman `627 piercing points eliminate having to remove or scrape an enamel coating on the pipe before achieving electrical contact. Spacer element 9 has no such purpose. It is specifically provided to simplify the prior art method of grounding a coaxial cable (See Cauderay et al. translation at page 3, lines 8-21) and as noted above, to provide a compressive conductive element that may be pressed between the tube 1 and the underlying metal band 4 of the clamp.

Finally, the proposed substitution would not result in a device having less parts. Instead, the proposed combination renders the Cauderay et al. device more complex. For example, the braided metal spacer element 9 of Cauderay et al. must rest against a metal band 4 which terminates at bent end portions 5 and 6. The Tinnerman `627 band also includes end arms 11 and 12. Cauderay et al. does not provide end arms with holes on spacer element 9. The proposed substitution would therefore render the Cauderay et al. clamp increasingly complex. The examiner's attention is directed to Cauderay et al. wherein the stated purpose is to provide a simplified device via the use of spacer element 9. See Cauderay et al. translation at page 3, lines 8-22. It is not understood how replacement of the simple braided sheet of Cauderay et al. with the clamp of Tinnerman `627 would result in less parts. The substitution

of the Tinnerman `627 clamp for the spacer element 9 would plainly result in more parts than previously required and a more complicated arrangement for connecting the ends of the clamp. The rejection cannot be suggested by the prior art because the prior art teaches away from the proposed combination. The respective devices share no similarities as to deformability and the purposes are different. The rejection is improper and must be withdrawn.

4. The Prior Art Does Not Disclose All Elements As Claimed

As noted above in Section IX, the prior art reference or combination of references must teach or suggest all the limitations of the claims. *In re Wilson* at 496. The teachings or suggestions must come from the prior art and not applicant's disclosure. *In re Vaeck* at 1442.

Claims 1 and 13 require the electrically conducting contact protrusion be resilient. As noted above in detail, the piercing points of Tinnerman `627 are not resilient since they must puncture through a hardened enamel coating on a pipe. The meaning of resiliency as claimed can be found in applicant's specification. See applicant's specification at page 19, lines 24-27 and page 20, lines 1-2. The piercing points of Tinnerman `627 cannot elastically deform during tightening of the clamp so that it will rest against a conductor. The piercing points remain rigid during tightening of the band so that it will penetrate through an enamel coating on a pipe. Tinnerman `627 is not resilient in the manner as claimed. The

rejection is improper and must be withdrawn.

Claim 13 states the at least one resilient, electrically conducting contact protrusion is a blade projecting away from the interior surface of the base structure. See figures 5 and 6 and page 7, lines 13-19. Cauderay et al. discloses a braided sheet. Tinnerman `627 provides a piercing point. Neither reference discloses a contact protrusion in the form of a blade. The rejection is improper and must be withdrawn.

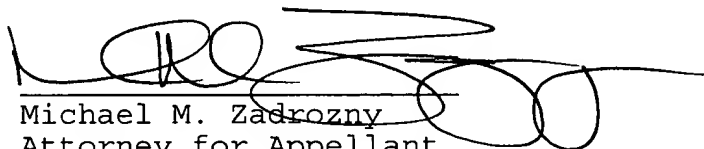
Claim 11 requires the contact protrusion be an embossing within the contact element. See figures 2, 3, 4, 7 and 9 and applicant's specification at page 6, lines 7-28. Cauderay et al. discloses a braided sheet. Tinnerman `627 discloses a piercing point bent from a V-shaped slit. As is apparent, neither reference suggests one of ordinary skill in the art may reconfigure these devices to anything other than that disclosed. To do so would render Tinnerman `627 inoperable for its intended purpose i.e. it could no longer puncture an enamel coating on a pipe. The rejection is improper and must be withdrawn.

X. CONCLUSION

For all the foregoing reasons, appellant submits the examiner erred in finally rejecting claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39. Appellant respectfully submits the final rejection of July 2, 2002 be reversed in all respects.

Respectfully Submitted,

Date: FEBRUARY 26, 2003


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XI. APPENDIX

1. **(thrice amended)** A device for providing electrical contact to an outer conductor of a coaxial cable, the outer conductor having bare segments, said device comprising:

a) a base structure adapted to be tensioned around a coaxial cable, said base structure provided with an interior surface and an exterior surface;

b) sealing lips operatively associated with said base structure and extending from said interior surface thereof, said sealing lips for providing a seal between said base structure and a coaxial cable when said base structure is tensioned therearound;

c) a band shaped, electrically conducting contact element [attached to said base structure] said band shaped, electrically conducting contact element including at least one resilient, electrically conducting contact protrusion formed integrally therewith and biased to extend beyond said sealing lips so that when said base structure is tensioned around a coaxial cable said resilient, electrically conducting contact protrusion will rest against the bare segments of the coaxial cable and provide electrical contact therewith.

3. **(amended)** Device as claimed in claim 1, and wherein said at least one resilient, electrically conducting contact protrusion is metallic.

7. **(amended)** Device as claimed in claim 1, and wherein said base structure is flexible.

8. **(thrice amended)** Device as claimed in claim 1, and wherein said base structure is a band-shaped contact element constructed from electrically conducting material.

11. **(amended)** Device as claimed in claim 1 and wherein said at least one resilient, electrically conducting contact protrusion is an embossing in said band shaped, electrically conducting contact element.

13. **(thrice amended)** A device for providing electrical contact to an outer conductor of a coaxial cable, the outer conductor having bare segments, said device comprising:

a) a base structure adapted to be tensioned around a coaxial cable, said base structure provided with an interior surface and an exterior surface;

b) sealing lips operatively associated with said base structure and extending from said interior surface thereof, said sealing lips for providing a seal between said base structure and a coaxial cable when said base structure is tensioned therearound;

c) a band shaped, electrically conducting contact element attached to said base structure, said band shaped, electrically conducting contact element including at least one resilient, electrically conducting contact protrusion formed integrally

therewith and biased to extend beyond said sealing lips so that when said base structure is tensioned around a coaxial cable said resilient, electrically conducting contact protrusion will rest against the bare segments of the coaxial cable and provide electrical contact therewith; and

d) said at least one resilient, electrically conducting contact protrusion consists of a blade projecting away from said base structure interior surface.

14. **(amended)** Device as claimed in claim 13 and wherein said blade is stamped out of said band shaped, electrically conducting contact element.

16. **(amended)** Device as claimed in claim 1 and wherein said base structure is configured in such a manner so as to enclose the coaxial cable to be contacted in an annular manner.

17. **(amended)** Device as claimed in claim 1 and wherein said base structure is a clamp adapted to be tensioned around the coaxial cable to be contacted.

18. **(amended)** Device as claimed in claim 16 and wherein said at least one resilient, electrically conducting contact protrusion is a radial projection extending from said band shaped, electrically conducting contact element.

20. **(twice amended)** Device as claimed in claim 16 and further comprising:

a) additional resilient electrically conducting contact protrusions, said additional resilient electrically conducting contact protrusions are mounted in a mutually spaced manner and in a circumferential direction of said base structure and in alignment along a single circumferential line thereof.

22. **(twice amended)** Device as claimed in claim 16 and wherein said base structure is integral and circumferentially open and includes first and second opposite ends each of which are provided with respective brackets that are connectable.

23. **(twice amended)** Device as claimed in claim 22 and wherein said respective brackets are adapted to be connected to each other with screws.

24. **(twice amended)** Device as claimed in claim 1 and wherein said base structure includes an elastic part, said elastic part having a surface coextensive with said base structure interior surface and adapted for connection to said band shaped, electrically conducting contact element.

25. **(amended)** Device as claimed in claim 24 and wherein said elastic sleeve part is made of an elastic material and said band shaped electrically conducting contact element is at least one of

imbedded in said elastic part or secured to an exterior surface thereof.

26. **(twice amended)** Device as claimed in claim 24 and wherein said elastic part is formed from a thermoplastic elastomer.

29. **(amended)** Device as claimed in claim 1 and wherein said band shaped, electrically conducting contact element is fitted with terminals to hook up to a conductor.

30. **(amended)** Device as claimed in claim 13 and wherein said band shaped, electrically conducting contact element includes first and second respective brackets and one of said first and second brackets comprises at least one aperture and the other of said first and second brackets comprises at least one threaded borehole operatively associated with said at least one aperture and further including at least one electrically conducting metal screw adapted for passing through said at least one aperture and engaging said at least one threaded borehole for providing a connection therebetween.

39. **(thrice amended)** Device as claimed in claim 22 and wherein each of said respective brackets of said base structure first and second opposite ends is provided with sealing surfaces, said sealing surfaces consisting of mutually facing interior surfaces , each of said mutually facing interior surfaces provided on a separate one of said respective brackets, said respective brackets extending from

said base member and at least one of which is made of an elastic material adapted to sandwich an elastic sealing element therebetween when in an assembled position.

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